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GVMUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Enrique TORRES-Palomino,

Defendant

Magistrate Docket No.

'08 MJ 1971

COMPLAINT FOR VIOLATION OF: *WTH*

Title 8, U.S.C., Section 1326

~~Attempted Entry After~~~~Deportation~~*Reported Alien Found
in the United States**6/27/08*

The undersigned complainant, being duly sworn, states:

On or about **June 25, 2008** within the Southern District of California, defendant, **Jose Enrique TORRES-Palomino**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

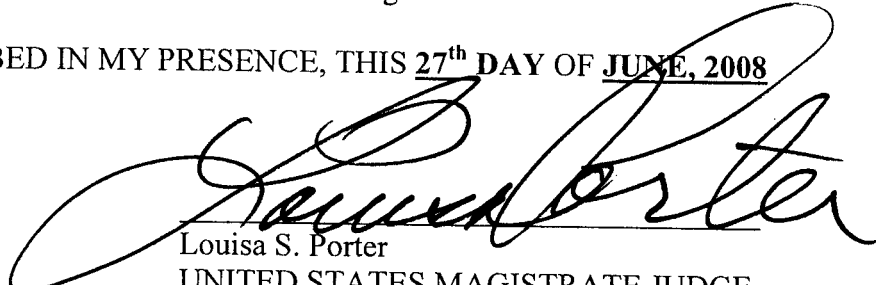
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF JUNE, 2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

GUM

CONTINUATION OF COMPLAINT:**Jose Enrique TORRES-Palomino****PROBABLE CAUSE STATEMENT**

On June 25, 2008, Border Patrol Agent Sepulveda, was performing line-watch duties in the Imperial Beach area of responsibility in an area known as "Whiskey 8." This area is an area approximately two miles west of the San Ysidro Port of Entry and approximately fifty yards north of the United States/Mexico International Boundary.

At approximately 8:50 P.M., Agent Sepulveda was notified by an infrared scope operator of one individual running north from the secondary fence. The scope operator reported that the individual had jumped into a ditch and was attempting to hide. Agent Sepulveda responded to the area and observed an individual attempting to hide. Agent Sepulveda identified himself as a United States Border Patrol Agent and conducted an immigration inspection. The individual later identified as the defendant **Jose Enrique TORRES-Palomino**, admitted to being a citizen and national of Mexico without any documents enabling or permitting him to enter or remain in the United States legally. The defendant was arrested and transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 13, 2006 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda Rights. He stated that he understood his Miranda rights and was willing to answer questions without an attorney present. He stated he is a citizen and national of Mexico and has been previously deported. He stated he was going to San Diego, California.